

AMENDED IN ASSEMBLY JUNE 16, 2004

AMENDED IN SENATE MAY 5, 2004

AMENDED IN SENATE APRIL 14, 2004

SENATE BILL

No. 1703

Introduced by Senator Alarcon

February 20, 2004

An act to add Division 32 (commencing with Section 60000) to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1703, as amended, Alarcon. California certified green business program.

Existing law establishes various programs to reduce waste and protect the environment.

This bill would establish a voluntary California certified green business program to certify businesses that engage in environmentally beneficial operations, ~~as specified~~. *The bill would authorize a county or city, or its designed agent, to institute a California certified green business program by notifying the California State University, Hayward's Environmental Finance Center, designating a green business coordinator, and implementing the program in accordance with specified guidelines.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Division 32 (commencing with Section 60000) is added to the Public Resources Code, to read:

DIVISION 32. CALIFORNIA CERTIFIED GREEN
BUSINESS PROGRAM

CHAPTER 1. LEGISLATIVE FINDINGS AND DECLARATIONS

60000. (a) The Legislature finds and declares all of the following:

(1) In 1996, the Association of Bay Area Governments, in partnership with the United States Environmental Protection Agency, California Environmental Protection Agency, ~~California State University, Hayward's Environmental Finance Center, and~~ and bay area counties, cities, regional agencies, utilities, and other stakeholders, created the Bay Area Green Business Program, a voluntary alliance among businesses, government agencies, utilities, and the public, that assists businesses in reducing harmful impacts to the environment and public health and in selecting practices that improve environmental protection. The program improves regulatory compliance, reduces solid waste, prevents pollution, and conserves resources. From inception to 2004, over 350 businesses in 20 different industry sectors have been certified as "green businesses," and in 2002, the program was honored with a Governor's Environmental and Economic Leadership Award. Since inception, the United States Environmental Protection Agency and the California Environmental Protection Agency have allotted grants to the Bay Area Green Business Program and individual counties, in excess of three hundred thousand dollars (\$300,000), and the United States Environmental Protection Agency has funded other statewide programs within the western region of the United States, and in some individual cases, has funded in excess of one hundred thousand dollars (\$100,000).

(2) The Bay Area Green Business Program has been successfully implemented in six bay area counties, and four additional California counties are launching green business programs based on the Bay Area Green Business Program model. The green business program has helped participating businesses

1 make choices that protect the environment, by giving them
2 specific alternatives and direction in order to make their businesses
3 more sustainable, and has created greater environmental
4 awareness throughout the bay area. As a result, the environment
5 suffers less damage, water and energy have been conserved, and
6 solid waste and wastewater have been reduced.

7 (3) Participating businesses have received assistance and
8 guidelines for environmental regulatory compliance, public
9 recognition, access to comprehensive environmental performance
10 information, access to streamlined processes, cost savings
11 associated with reduced use of hazardous substances, and use of
12 more efficient technologies, and facilitated communications with
13 regulatory agencies. The businesses have improved employee
14 health and safety and access to the latest hazardous and solid waste
15 reduction technology and practices, and have a better reputation
16 with the public.

17 (4) Regulatory agencies have reported improved compliance,
18 better working relationships with businesses, reduced costs, and
19 improved efficiency in inspections through cross-training and
20 other information sharing, coordination with other regulatory
21 agencies, and a better relationship with the public.

22 (b) The Legislature further finds and declares all of the
23 following:

24 (1) It is in the best interest of the state to encourage practices
25 that protect and preserve the environment and the state's natural
26 resources, and to recognize those businesses that adopt
27 environmentally sustainable business practices. A California
28 certified green business, as defined in Section 60010, adds great
29 value to the state and minimizes costs to the state, by using
30 exemplary practices that protect the environment and preserve
31 natural resources, thereby decreasing the state's need for future
32 cleanup and other regulatory expenses. It is therefore in the best
33 interest of the state to decrease public costs by encouraging
34 businesses to become environmentally responsible through the
35 green business program, as described in this division.
36 Furthermore, the Legislature hereby declares that a consistent
37 statewide program and consistent statewide standards are
38 necessary in order to use government resources efficiently and
39 avoid confusion.

(2) The California certified green business program is an optional local program designed to facilitate more efficient and constructive relationships among public agencies and between businesses and the agencies that regulate and serve them. By fostering collaboration among governmental agencies, the program helps to improve and streamline the regulatory process and offers opportunities to leverage and reinforce partner agencies' business outreach. The program makes it easier for businesses to turn good intentions into actions that improve the environment and also benefit public health, worker health and safety, and the bottom line.

(3) *The United States Environmental Protection Agency has designated California State University, Hayward's Environmental Finance Center, Region 9, as the Western States Green Business Coordinator and has awarded funds to it for that purpose.*

CHAPTER 2. DEFINITIONS

60010. For purposes of this division, the following definitions apply:

(a) "California certified green business" means a business that has been certified by a California city or county, that has complied with Section 60020, as having complied with the environmental criteria set forth in Section 60028, and that has undergone onsite audits by the responsible governmental agencies, their designated agent, or utilities.

~~(b) "Responsible agencies" includes those governmental agencies responsible for monitoring compliance related to hazardous and toxic materials, stormwater runoff, air and water pollution, and wastewater, and those agencies monitoring energy and water use, and solid waste disposal.~~

(b) "Responsible agencies" includes those local or regional governmental agencies responsible for monitoring or enforcing compliance related to hazardous and toxic materials, stormwater runoff, air and water pollution, and wastewater; and those local or regional agencies, their designated agencies, or utilities monitoring energy and water use, solid waste disposal, and recycling.

(c) "Beyond compliance" means having complied with all state, federal, and local environmental laws and having

1 *voluntarily implemented measures in addition to what is required*
2 *by existing law, that conserve water and energy, prevent pollution,*
3 *reduce waste, and protect the environment.*

4
5 CHAPTER 3. CALIFORNIA CERTIFIED GREEN BUSINESS PROGRAM

6
7 60020. A county or city, *or its designated agent*, may institute
8 a California certified green business program by notifying the
9 ~~Association of Bay Area Governments or California State~~
10 University, Hayward's Environmental Finance Center,
11 designating a green business coordinator, and implementing the
12 program in accordance with the guidelines set forth in this
13 division.

14 60021. A county or city that institutes a California certified
15 green business program may limit the scale or type of businesses
16 that it may certify in order to better assist small to medium sized
17 consumer-oriented businesses that typically do not have onsite
18 environmental staff.

19 60022. A business, *located within a jurisdiction where there*
20 *is a California certified green business program*, that wishes to
21 become a California certified green business may contact the local
22 program coordinator in an established California certified green
23 business program and receive comprehensive information and
24 technical assistance to help it comply with all applicable
25 environmental regulations and adopt the prescribed measures to
26 prevent pollution, conserve energy and water, and minimize
27 waste. After responsible agencies verify through onsite audits that
28 all standards have been met according to this section, the county
29 or city may certify the business as a California certified green
30 business.

31 60023. The certifying county or city may publish the list or
32 directory of California certified green businesses, hold awards
33 ceremonies for the businesses, and develop any other means with
34 which to recognize California certified green businesses and alert
35 the public of the special status or distinction. If a certified green
36 business is not in compliance with the standards after certification,
37 a certifying county or city ~~may~~ *shall* alert the business and may
38 revoke the green business certification, according to its revocation
39 policy adopted at the time of the California certified green business
40 program implementation.

1 60024. (a) California green business certification shall be
2 ~~demonstrated through~~ *conferred after* an onsite audit that the
3 business has met the California certified green business standards
4 at the audited site. If the business is part of a chain or franchise, any
5 location *within a participating jurisdiction* interested in
6 certification may apply and those sites that individually meet the
7 California certified green business standards *in that jurisdiction*
8 may be certified.

9 (b) Certification only applies to those businesses that have
10 successfully satisfied the California certified green business
11 program standards, which address the operations of a business at
12 the certified premises. The California certified green business
13 program does not certify manufactured products, professional
14 qualifications, or quality of service.

15 (c) Certification may not exceed a period of three years. Local
16 agencies may choose to inspect businesses more frequently than
17 every three years.

18 (d) If a previously certified business fails to comply with the
19 California certified green business program standards required for
20 ~~certification~~ *recertification*, a local agency ~~may~~ *shall* revoke
21 certification and remove any or all accolades from the premises of
22 the business.

23 (e) A business that manufactures toxic or hazardous materials
24 or a business that produces ~~or uses~~ substantial quantities of
25 hazardous waste or *uses substantial quantities of* toxic materials
26 is not eligible to be certified as a California certified green
27 business.

28 60025. In order to qualify as a California certified green
29 business, a business shall, at minimum, satisfy all of the following:

30 (a) Agree to the California certified green business pledge as
31 specified in Section 60027 and post the pledge in a visible location.

32 (b) Be in full compliance with all applicable federal, state, and
33 local environmental regulations. Compliance at a business ~~may~~
34 *shall* be verified by each agency with jurisdiction over its
35 particular operations. Agencies with jurisdiction may include
36 those regulating wastewater and stormwater discharges, air
37 emissions, and hazardous materials. ~~It is recommended, however,~~
38 ~~that at least one local environmental agency with jurisdiction~~
39 ~~verify compliance onsite when a business volunteers for the~~
40 ~~program.~~ *and hazardous materials.*

(c) Implement the ~~specific measures to meet the criteria in the~~ checklist posted pursuant to ~~Section 60026~~ Sections 60026 and 60028.

60026. (a) As California State University, Hayward's Environmental Finance Center, has been designated and funded by the United States Environmental Protection Agency as the Western States Green Business Coordinator, it shall work to promote consistency and continuity throughout California pursuant to this section. The center shall assist jurisdictions that seek to develop and implement a California certified green business program in all of the following ways:

(1) Identify, establish, and expand working relationships with relevant agencies and organizations.

(2) Provide information to interested cities, counties, or their designees about program implementation.

(3) Provide guidance and oversight for modifications to the general and industry-specific beyond compliance standards checklist and green business program guidelines.

(4) Establish a statewide voluntary committee consisting of city, county, or regional green business coordinators and relevant state or local agencies that wish to participate in the committee and work with the committee to develop and implement processes and refinement for the California certified green business program.

(b) California State University, Hayward's Environmental Finance Center, shall ~~prescribe and modify~~ establish, modify, and periodically update the general standards checklist and industry-specific standards ~~biennially~~ in order to establish the beyond compliance general standards checklist required by Section 60028, and shall post that specific checklist on its Web site. The center ~~shall~~ may consult ~~guidelines contained on Web sites maintained by~~ with the California Integrated Waste Management Board and, the Department of ~~toxic~~ Toxic Substances Control, and other relevant agencies to ensure that general and industry-specific standards are consistent with best management practices and current regulatory standards as well as new technologies and alternatives to hazardous materials.

(c) The center shall not pursue an appropriation or noncompetitive state funds to implement this section until at least January 1, 2007.

1 60027. A California certified green business shall do all of the
2 following:

3 (a) Monitor, record, and post rates of water and energy usage
4 and solid and hazardous waste generation.

5 (b) Provide three ongoing incentives or training opportunities
6 to encourage management and employee participation.

7 (c) Inform customers about its business' efforts to meet the
8 green business standards.

9 (d) Assist at least one other business in learning about the green
10 business program and encourage it to enroll.

11 (e) Adopt the California certified green business pledge, as
12 follows:

13 "Our company commits to protecting the environment by
14 adopting this green business pledge. We believe a successful
15 business is dependent on a healthy environment. We are actively
16 working to show our environmental responsibility to our
17 community by committing to the following objectives:

18 ~~"(a)~~

19 "(1) To comply with all applicable regulations and strive to
20 exceed compliance.

21 ~~"(b)~~

22 "(2) To conserve energy, water, materials, and other resources.

23 ~~"(c)~~

24 "(3) To develop and implement practices that prevent pollution
25 and waste.

26 ~~"(d)~~

27 "(4) To be an environmentally responsible business within our
28 community."

29 ~~60028. The beyond compliance general standards checklist~~
30 ~~includes, but is not limited to, all of the following:~~

31 ~~(a) Solid waste reduction and recycling.~~

32 ~~(b) Energy conservation.~~

33 ~~(c) Water conservation.~~

34 ~~(d) Pollution prevention.~~

35 (f) *Implement beyond compliance measures to conserved*
36 *energy and water, reduce waste, and prevent pollution pursuant to*
37 *Section 60028.*

38 60028. (a) *The California certified green business beyond*
39 *compliance general standards checklist criteria include, but are*
40 *not limited to, all of the following:*

1 (1) *Energy conservation, as follows:*

2 (A) *Have the local energy utility or energy service company*
3 *conduct a commercial energy assessment of the facility.*

4 (B) *Perform regular maintenance on heating, ventilation, and*
5 *air conditioning system (HVAC).*

6 (C) *Implement equipment or technology improvements and*
7 *behavioral changes that reduce energy consumption.*

8 (2) *Water conservation, as follows:*

9 (A) *Conduct an indoor or outdoor water balance or assessment*
10 *of the facility.*

11 (B) *Implement applicable simple conservation measures listed*
12 *in program checklists.*

13 (C) *Implement suggested additional industry-specific water*
14 *conservation measures.*

15 (3) *Solid waste reduction, as follows:*

16 (A) *Conduct a waste reduction assessment of the facility's solid*
17 *waste streams.*

18 (B) *Implement solid waste reduction, reuse, and recycling*
19 *measures.*

20 (C) *Purchase recycled or used materials and products.*

21 (4) *Pollution prevention, as follows:*

22 (A) *Conduct an assessment of the facility to identify pollution*
23 *prevention opportunities.*

24 (B) *Implement pollution prevention measures in the following*
25 *categories where applicable:*

26 (i) *Good housekeeping and operating practices.*

27 (ii) *Materials, product, technology, or process changes.*

28 (iii) *Reuse or recycling of hazardous materials or wastes.*

29 (iv) *Preventing contamination of stormwater and runoff.*

30 (C) *Reducing fleet or employee commute vehicle emissions.*

31 (b) *A participating city or county, or its designated agency,*
32 *shall adopt the standards as a minimum requirement and may*
33 *adopt stronger standards or modifications to meet its individual*
34 *community needs or to reflect local regulations, ordinances,*
35 *programs, and environmental priorities.*

36 (c) *In addition to the general standards checklist that sets out*
37 *the criteria and provides suggested implementation measures in*
38 *each beyond compliance category, industry-specific checklists*
39 *that have been developed for retail businesses, auto repair shops,*
40 *printing operations, restaurants, hotels, offices, wineries, and*

1 *landscaping companies shall be used whenever applicable. A city*
2 *or county, or its designated agency, may, in concert with the*
3 *California State University, Hayward's Environmental Finance*
4 *Center, or with the statewide committee, develop checklists for*
5 *additional industries.*

6 *(d) The beyond compliance general standards and*
7 *industry-specific checklists shall provide businesses with*
8 *examples of practices from which they may choose the number*
9 *specified in the general standards checklist in order to achieve the*
10 *prerequisites for certification as a California certified green*
11 *business. A business may receive credit toward certification for*
12 *measures previously implemented and may request exemptions for*
13 *criteria that are not applicable for its business.*

